

BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
63rd LEGISLATURE - REGULAR SESSION**

HOUSE EDUCATION COMMITTEE

Date: Wednesday, January 30, 2013
Place: Capitol

Time: 3:00 PM
Room: 137

BILLS and RESOLUTIONS HEARD:

HB 288 - Generally revising school laws creating a special education savings account
HB 315 - Establish public charter schools

EXECUTIVE ACTION TAKEN:

Comments:



REP. Kris Hansen, Chair

HOUSE OF REPRESENTATIVES
Roll Call
EDUCATION COMMITTEE

DATE: 1/30/2013

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/EXCUSED</u>
REP. KRISTIN HANSEN, CHAIR	X	
REP. JOANNE BLYTON, VICE CHAIR	X	
REP. EDIE MCCLAFFERTY, VICE CHAIR	X	
REP. BRYCE BENNETT		X
SPEAKER BLASDEL		X
REP. CLARENA BROCKIE	X	
REP. DOUGLAS COFFIN	X	
REP. EDWARD GREEF	X	
REP. DAVID HALVORSON	X	
REP. GREG HERTZ		X
REP. SARAH LASZLOFFY	X	
REP. JONATHAN MCNIVEN	X	
REP. JEAN PRICE	X	
REP. DAN SALOMON		X
REP. CASEY SCHREINER	X	
REP. NICHOLAS SCHWADERER		X
REP. TED WASHBURN	X	
REP. FRANKE WILMER	X	

HOUSE EDUCATION COMMITTEE

Wednesday, January 30, 2013

HB 288 - Generally revising school laws creating a special education savings account

Sponsor: Representative Nicholas Schwaderer

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE EDUCATION COMMITTEE

Wednesday, January 30, 2013

HB 315 - Establish public charter schools

Sponsor: Representative Austin Knudsen

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Name	Representing	Support	Oppose	Info
Debra Hamm	Montana Family Foundation	X		
Daniel Nicklay	Idaho Charter School Net.	X		
David Pulis	Citizen	X		
Jim Smith	MREA		X	
Lisa Russell	Self	X		
Elisa Murnion	Self	X		
Lora Tauck	Etalaka Public Schools		X	
Garnett Rope	self	X		
Mike Arnold	Haure School Dist		X	
Debra Sille	MTBBA		X	
Theresa Kode	self	X		
Marsha Davis	County School Supts		X	
Sharon Naser	Grand Kids	X		
Tom Newby	self		X	X
Linda Gryczan	MT Women's Lobby		X	
Kristina Larson	SELF	X		
Tonya Shellnutt	self	X		
Debbie Farmer	OPJ		✓	
Jason Neiffer	Montana Digital Academy			✓
Bob Currie	Montana Digital Academy			✓
Jim Molloy	Governor's Office		X	
Eric J	NSA-MFT		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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Wednesday, January 30, 2013

HB 315 - Establish public charter schools

Sponsor: Representative Austin Knudsen

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[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.



American Civil Liberties Union
of Montana
P.O. Box 1317
Helena, MT 59624
www.aclumontana.org

Dear Members of the House Education Committee,

The American Civil Liberties Union of Montana opposes HB 239. This bill would severely limit the choices of local school districts when it comes to providing sexual education curriculum and would eliminate the ability of school boards and local communities to provide a well-rounded education for all students. Additionally, this bill would prevent districts from allowing individuals or groups that they think are best suited to provide information and instruction to do so.

Under HB 239, school districts would be prohibited from providing any instruction or organized school function that involves sexual education or human sexuality issues unless the school has received the written permission of the student's parents. This prohibition will place school districts in direct conflict with the accreditation standards set by the state Board of Education. Under our state constitution, curriculum decisions are vested with the Board of Education and local school districts. The Board sets accreditation standards that specify certain minimum requirements, and districts then adopt curriculum guidelines to meet those standards. HB 239 unconstitutionally usurps the decision-making authority of the State Board of Education and of local school districts by prohibiting local districts from providing sexual education instruction that would meet the Board's accreditation standards.

There are many lesson plans that would potentially present information that is different from an individual family's belief system, yet, this bill singles out only one type of subject matter for different treatment under our state law. As a result of this bill, many teens will be denied the information they need to make informed and healthy choices. Because many school districts do not have the resources necessary to track which students have received their parents' permission, districts will simply decline to offer this instruction and will remove the affected material from circulation.

HB 239 draws arbitrary lines that will deny students access to critical information. Sexual education curricula give students the tools they need to prevent pregnancy and sexually-transmitted infections, to develop healthy relationships, and to address dating violence and sexual assault. With many young women becoming pregnant unintentionally, now it is more important than ever to provide students with the best information possible. Knowledge is power and instead of disarming our young people we should be equipping them with the tools they need to make good choices. That is why leading medical associations, such as the American Academy of Pediatrics, the American Public Health Association, and the American Medical Association, support providing students with comprehensive, medically accurate sexual education.

Additionally, this bill relies on the flawed assumption that there is an inherent conflict between providing abortion services and providing accurate, unbiased information on the topic of sexual education and reproductive health. This bill prohibits any individual or entity that provides abortion



services from providing materials or instruction to school districts. By prohibiting such individuals or groups from offering their expertise and materials, this bill takes away the ability of local educators to bring in the person or entity that they think is most qualified to provide this information.

In the end, this bill disregards local community decisions on the issue of sexual education curriculum. Local school districts need to have the ability to develop curriculum that meets state standards, responds to the needs of their students, and reflects local input. Instead, HB 239 creates unnecessary barriers for school districts and replaces local decision-making with legislative interference.

Respectfully,

A handwritten signature in cursive script, reading "Niki Zupanic".

Niki Zupanic
Public Policy Director



American Civil Liberties Union
of Montana
P.O. Box 1317
Helena, MT 59624
www.aclumontana.org

Chair Hansen and Members of the House Education Committee,

The ACLU of Montana respectfully opposes HB 213.

HB 213 appears to be an expansion of permissible tax credits, but in reality it has the potential to divert public taxpayer monies to subsidize private, religious schools, and is, in essence, a voucher program in disguise. Article X, Section 6, of the Montana Constitution clearly states that no direct or indirect appropriation from any public fund or monies shall be used to aid any school, academy, college, or university controlled in whole or part by any church, sect or denomination. HB 213 violates this constitutional prohibition and undermines our public education system.

- **Tax credits use public monies to subsidize private education, including religious institutions.** Supporters of this legislation may say that this benefit does not involve public money. As a legal and practical matter, however, tax credits are public funds; when the government grants such tax credits, it forgoes income. In the case of the tax credits proposed by this bill, the state government loses revenue for every dollar credited for tuition payments made to religious schools. This tax credit is the functional equivalent of the government reimbursing parents for tuition paid to religious schools and is therefore an indirect appropriation of public funds.
- **Tax credits for tuition paid to private schools harm our public education system by misappropriating funds that could be used to fund our public schools at constitutionally adequate levels.** The definition of "qualified education provider" in the bill is limited to nonpublic schools. Under this bill, some taxpayers and private schools would benefit, while public schools lose funds. These proposed tax diversions will harm funding for our public schools by redirecting money that would otherwise benefit our state's public schools and funneling it through the taxpayer to private schools. And because private schools are generally religious in nature, providing them with public assistance would significantly infringe on the Constitutional value of separation of church and state.
- **There is no "double taxation" for parents who enroll their children in private schools.** Parents of private schools children argue that they should be reimbursed by the state for private school tuition and fees claiming that they are being "doubled taxed" for the education of their children. This is a myth. Parents of private school students voluntarily choose to send their children to private schools, and thus willingly make tuition payments to those schools. They are not taxed any more for our public school



system than other residents are, including people with no school-age children at all. All residents are called upon to pay taxes to fund our public education system, regardless of whether or not their families will ever attend a public school, because our public schools make our communities stronger, safer, and better for all residents. Under this bill, private, religiously-affiliated schools and some parents will benefit, while taxpayers will face increased taxes to replace the revenue that public schools will lose.

This bill is poor public policy and a back door attempt to circumvent Article X, Section 6, of the Montana State Constitution. We respectfully urge you to vote no on HB 213.

Sincerely,


Niki Zupanic